

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 12, 2002

IN RE:

**APPROVAL OF THE AMENDMENT TO
THE INTERCONNECTION AGREEMENT
NEGOTIATED BY BELL SOUTH
TELECOMMUNICATIONS, INC. AND
TELEPAK NETWORKS, INC. PURSUANT
TO SECTIONS 251 AND 252 OF THE
TELECOMMUNICATIONS ACT OF 1996**

DOCKET NO. 02-00590

**ORDER APPROVING
AMENDMENT TO THE INTERCONNECTION AGREEMENT**

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate, and Director Ron Jones, of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on July 23, 2002 to consider, pursuant to 47 U.S.C. § 252, the *Petition for Approval of the Amendment to the Interconnection Agreement Negotiated Between BellSouth Telecommunications, Inc. and Telepak Networks, Inc. Pursuant to the Telecommunications Act of 1996* (the "Amendment").

The original Interconnection Agreement was filed on May 10, 2001 and was assigned Docket No. 01-00422. The Authority approved the Agreement at the July 10, 2001 Authority Conference. The first Amendments were filed on July 16, 2001 and were assigned Docket No. 01-00620. The Authority approved the first Amendments to the Agreement at the September 11, 2001 Authority Conference. The second Amendment was filed on December 11,

2001 and was assigned Docket No. 01-01101. The second Amendment to the Agreement was approved at the February 5, 2002 Authority Conference. The third Amendment to the Agreement, which is the subject of this docket, was filed on May 21, 2002.

Based upon the Petition, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously approved the Amendment and made the following findings and conclusions:

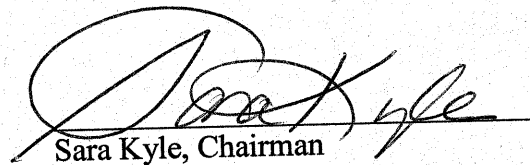
- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The Amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.
- 3) The Amendment is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).¹ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the Amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.
- 5) No person or entity has sought to intervene in this docket.

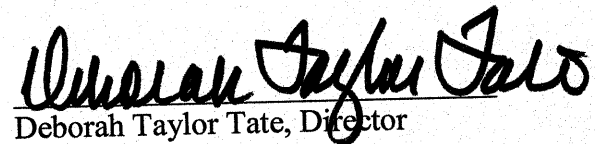
¹ See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

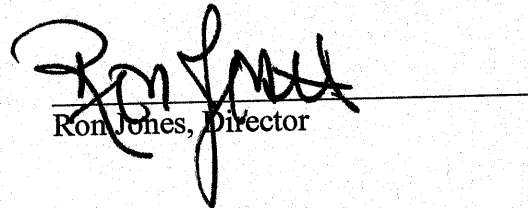
6) The Amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

IT IS THEREFORE ORDERED THAT:

The third Amendment to the Interconnection Agreement negotiated between BellSouth Telecommunications, Inc. and Telepak Networks, Inc. is approved and is subject to the review of the Authority as provided herein.


Sara Kyle, Chairman


Deborah Taylor Tate, Director


Ron Jones, Director